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2 Councilmember Charles Allen



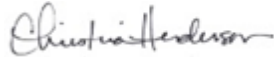
Councilmember Trayon White, Sr.

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6 Councilmember Kenyan R. McDuffie



Councilmember Brianne K. Nadeau

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11 Councilmember Christina Henderson



Councilmember Robert C. White, Jr.

15 A BILL

20 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

24 To prohibit marijuana testing as a condition of employment, except for certain positions, and  
25 unless otherwise required by law.

27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
28 act may be cited as the “Prohibition of Marijuana Testing Act of 2021”.

29 Sec. 2. Section 2 of the Prohibition of Pre-Employment Marijuana Testing Act of 2015,  
30 effective July 22, 2015 (D.C. Law 21-14; D.C. Official Code §32-931), is amended to read as  
31 follows:

32 “Sec. 2. Restriction on pre-employment marijuana testing.

33 “(a) Except as otherwise provided by law, it shall be an unlawful discriminatory  
34 practice for an employer, labor organization, employment agency, or agent thereof to require a  
35 prospective employee to submit to testing for the presence of any tetrahydrocannabinols or  
36 marijuana in such prospective employee’s system as a condition of employment.

37 “(b) The provisions of this act shall not apply to:

38 “(1) Police officers or special police officers, or in a position with a law  
39 enforcement function;

40 “(2) Positions that require a commercial driver’s license;

41 “(3) Construction jobs that require occupational safety training;

42 “(4) Positions requiring the supervision or care of children, medical patients, or  
43 vulnerable persons; or

44 “(5) Any position with the potential to significantly impact the health or safety of  
45 employees or members of the public, as determined by the Director of the Department of Human  
46 Resources.

47 “(c) The provisions of this act shall not apply to:

48 “(1) Any regulation promulgated by the federal department of transportation  
49 that requires testing of a prospective employee in accordance with 49 CFR 40, or any rule  
50 promulgated by the District Department of Transportation for purposes of enforcing the  
51 requirements of that regulation with respect to intrastate commerce;

52 “(2) Any contract or grant entered into or awarded between the federal  
53 government and an employer that requires the drug testing of prospective employees as a  
54 condition of receiving the contract or grant;

55 “(3) Any federal or local, regulation or order that requires the drug testing of  
56 prospective employees for purposes of safety or security; or

57 “(4) Any applicant whose prospective employer is a party to a valid collective  
58 bargaining agreement that specifically addresses the drug testing of such applicants.

59 “(d) For the purposes of this act, the term “Employer” shall have the same meaning

as provided in section 2(6) of the Occupational Safety and Health Act of 1988, effective March 16, 1989. (D.C. Law 7-186; D.C. Official Code § 32-1101(6)).

“(e) Nothing in this act shall be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace.”

#### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

#### Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.